IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI

THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT APPEAL No. 895 of 2001

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 18-04-2001 in WP No. 7415 OF 2001 on the file of the High Court.)

Between:

Panchada Nooka Raju, S/o Peddinaidu

Aged about 38 years, F.P.Shop Dealer,

Gummidigonda village, Nathavaram Mandal,

Visakhapatnam District.

..... APPELLANT

AND

1. The Revenue Divisional Officer, Narsipatnam,

Visakhapatnam District.

2. The Joint Collector, Visakhapatnam,

Visakhapatnam District.

3. The District Collector, Visakhapatnam,

Visakhapatnam District.

4. The Mandal Revenue Officer,

Narsipatnam, Visakhapatnam District.

.....RESPONDENTS

Counsel for the Appellants: Mr.T.Nagarjuna Reddy

Counsel for the Respondents: G.P. for Civil Supplies.

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Bilal Nazki, the Acting Chief Justice)

This is an appeal filed against the order passed by the learned Single Judge in W.P.No.7415 of 2001. The allegations levelled against the petitioner were that although, he was an authorized dealer of the fair-price shop of Gummadigonda village, Nathavaram Mandal, Viskhapatnam District, yet, he did not distribute the kerosene to the cardholders in the month of August, 1987. It was also complained against him that he did not reside in the said village but resided in some other village and opened the shop once or twice in a month. Enquiries were made and the Mandal Revenue Officer found the allegations true and submitted a report to the Revenue Divisional Officer, Narsipatnam. A show-cause notice was issued to the petitioner requiring his explanation. The petitioner submitted his explanation. Explanation was taken into consideration. Authorisation of the petitioner was cancelled. Appeal was preferred before the Joint Collector. He rejected the appeal. Thereafter, a revision was taken to the District Collector. He also rejected the revision. Then the petitioner filed the writ petition. Writ petition has also been dismissed. On facts, it is true that the petitioner had not opened the shop for one month and sold supplies in open market and not supplied to the cardholders. The only assertion made by the petitioner and his counsel during the hearing of the writ petition is that the whole thing was based on the Mandal Revenue Officer's report, which was not given to him. It is too late in the day to complain on that account,

because, the show cause notice issued by the Revenue Divisional Officer in the first instance was based on the report and that show cause notice had been replied to by the petitioner. Had he any grievance on account of non-supply of the report of the Mandal Revenue Officer, he should have made it at the first instance before the Revenue Divisional Officer. For these reasons, we do not find any merit in this Appeal. The Writ Appeal, therefore, is dismissed. No costs.

_____

BILAL NAZKI, ACJ.

9.6.2005

_____

G.CHANDRAIAH, J.

VR

To

1. The Revenue Divisional Officer, Narsipatnam,

Visakhapatnam District.

2. The Joint Collector, Visakhapatnam,

Visakhapatnam District.

3. The District Collector, Visakhapatnam,

Visakhapatnam District.

4. The Mandal Revenue Officer,

Narsipatnam, Visakhapatnam District.

5. Two CCs to Government Pleader for Civil Supplies,

High Court Buildings, Hyderabad (OUT).

6. Two CD copies.